

RESOLUTION 45 - 2009

RESOLUTION TO ADOPT AN AMENDMENT TO THE NORTH JEFFERSON COUNTY ZONING DISTRICT MAP

BE IT RESOLVED by the Board of County Commissioners (the "Board") of Jefferson County (the "County"), Montana, as follows:

Section 1. Growth Policy. The Jefferson County Growth Policy was adopted June 18, 2003 and on November 3, 2009, the Jefferson County Board of County Commissioners adopted Resolution 40-2009 amending the Growth Policy in order to support secondary value-added industry.

Section 2. Authority to Revise. Pursuant to § 76-2-205., MCA, the Jefferson County Board of County Commissioners has statutory authority to revise boundaries for zoning districts.

Section 3. Promote Industry. The Jefferson County Board of County Commissioners desires to promote secondary, value adding industry in Jefferson County and further the establishment of tax increment financing industrial districts.

Section 4. Application to Revise. The applicants/owners, City/County Sanitation, Inc., Dave Duffy, Vice President/General Manager, 3630 York Rd, Helena, MT 59635; Jerral H. Bryant, 308 Highway 518, East Helena, MT 59635, and Todd D. and Christy L. Dighans, 314 Highway 518, East Helena, MT 59635, applied for a Zone Map Amendment, pursuant to Section 2.6 of the Amended North Jefferson County Zoning Regulations.

Section 5. Revision. The applicant requested an amendment of the zoning classification from **BASIC RESOURCE to INDUSTRIAL** on ~ 121.98 acres generally lying southeast of State Highway 518 and the Jefferson County/Lewis and Clark County line and adjacent to the City/County landfill. The general character of this Zone Map Amendment is from agricultural to industrial. The property is legally described as:

Beginning at the East $\frac{1}{4}$ corner of Section 6, T. 9 N., R. 2 W., P.M.M., Thence along the Southerly line of Tract A, COS 152653 a Bearing of S 89°47'47" W a distance of 2386.18 feet to the True Point of Beginning; Thence S 89°47'47" W a distance of 717.48 feet; Thence S 1°26'13" E a distance of 79.74 feet, Thence S 37°39'17" E a distance of 290.01 feet; Thence S 70°31'51" E a distance of 459.42 feet; Thence S 22°33'29" E a distance of 427.00 feet; Thence S 75°36'27" E a distance of 240.00 feet; Thence S 0°15'44" W to the South line of the North $\frac{1}{2}$ of the South $\frac{1}{2}$ of said Section 6, a distance of +/- 400.00 feet; Thence along said South Line S 89°47'47" W a to the East ROW line of Montana Secondary Highway

518, a distance of +/- 2154.60 feet; Thence along said East line of Montana Secondary Highway 518 N 3°13'42" W to the Northwest Corner of Lot 1, Bahny's Minor Subdivision a distance of +/- 2658.45 feet; Thence along the North line of Bahny's Minor Subdivision, and COS 152653 N 89°45'12" E a distance of 2010.09 feet, Thence to the Point of Beginning S 0°12'42" E a distance of 1336.27 feet. Described area encompassing +/- 121.98 acres.

Section 6. Planning Board. The Jefferson County Planning Board conducted a public hearing on October 21st, 2009 to accept public testimony.

Section 7. Planning Board Recommendation. Having considered the proposed revisions and the received public testimony the Jefferson County Planning Board has passed and adopted a resolution which made a recommendation to the Jefferson County Board of County Commissioners that they adopt the proposed Zone Map Amendment.

Section 8. Notice. Notice of all public hearings and public meetings were published in accordance with §§ 76-2-205 and 7-1-2121, MCA prior to the Jefferson County Board of County Commissioners taking any action to establish, revise, adopt or amend zoning.

Section 9. Public Hearing. That in accordance with §76-2-205, MCA, the Jefferson County Board of County Commissioners held a public hearing on November 3, 2009, to receive recommendations and suggestions from the public regarding the proposed adoption of this Zone Map Amendment to the North Jefferson County Zoning District Map from **BASIC RESOURCE to INDUSTRIAL** on ~ 121.98 acres.

Section 10. Intent to Adopt. On November 3, 2009, the Jefferson County Board of County Commissioners, in accordance with §76-2-205, MCA, expressed its intent to adopt this Zone Map Amendment to the North Jefferson County Zoning District Map from **BASIC RESOURCE to INDUSTRIAL** on ~ 121.98 acres with the adoption of Resolution 38-2009.

Section 11. Hearing on Resolution of Adoption. The Jefferson County Board of County Commissioners set the regularly scheduled Board of County Commissioners meeting of Tuesday, December 15, 2009, for the final adoption of this Zone Map Amendment to the North Jefferson County Zoning District Map.

Section 12: Notice of Passage. In accordance with §76-2-205, MCA, notice of passage of the resolution of intention was published on November 11 and 18, 2009.

Section 13. Protest Period. In accordance with §76-2-205, MCA, for 30 days after first publication of the notice, November 11, 2009, the County Commission accepted written protests to this Zone Map Amendment to the North Jefferson County Zoning District Map from persons owning real property within the district whose names appear on the last-completed assessment roll of the County.

Section 14. Protest. Between November 11, 2009, and December 12, 2009, Jefferson County did not receive protests to establishment of the district or adoption of the regulations from 40% of the real property owners within the district whose names appear on the last-completed assessment roll or if real property owners representing 50% of the titled property ownership whose property is taxed for agricultural purposes under § 15-7-202 or whose property is taxed as forest land under Title 15, chapter 44, part 1.

Section 15. Public Interest. The Jefferson County Board of County Commissioners finds that this Zone Map Amendment to the North Jefferson County Zoning District Map generally complies with the public interest criteria for consideration; the Zone Map Amendment will serve the public interest; there is no appropriate Basic Resource use of this property; and there is a need for Industrial use of the property at this location.

Section 16. Findings. In accordance with §76-2-203, MCA, the Jefferson County Board of County Commissioners finds that this Zone Map Amendment to the North Jefferson County Zoning District Map has been made in accordance with the growth policy; and is designed to: secure safety from fire and other dangers; promote public health, public safety, and general welfare; and facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

Section 17. Consideration. In accordance with §76-2-203(2), MCA, the Jefferson County Board of County Commissioners considered reasonable provision of adequate light and air; the effect on motorized and nonmotorized transportation systems; compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities; the character of the district and its peculiar suitability for particular uses; and conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area in the adoption of this Zone Map Amendment to the North Jefferson County Zoning District Map.

Section 18. Compliance. The Jefferson County Board of County Commissioners finds that this Zone Map Amendment to the North Jefferson County Zoning District Map complies with the Amended North Jefferson County Zoning Regulation; the overall intent of the regulation; the intent of the Industrial zoning district affected by the proposed change; and any specific provisions related to amendments.

Section 19. Spot Zoning. The Jefferson County Board of County Commissioners finds that this Zone Map Amendment to the North Jefferson County Zoning District Map is not spot zoning; the Industrial zoning designation and potential uses are generally compatible with the prevailing uses in the area; the Industrial zoning designation will generally be of benefit to the surrounding neighborhood, community and the general public; and the Industrial zoning designation is compatible with the Growth Policy and it is not special legislation designed to benefit only one or a few landowners at the expense of the surrounding landowners or the general public.

Section 20. Effective. This Zone Map Amendment to the North Jefferson County Zoning District Map shall be in effect immediately upon passage and adoption of this resolution.

PASSED AND ADOPTED by the Board of County Commissioners of Jefferson County, Montana, this 15th day of December, 2009.

ATTEST:

BONNIE RAMEY
CLERK AND RECORDER

TOMAS E. LYTHGOE, CHAIR

KEN WEBER, COMMISSIONER

DAVE KIRSCH, COMMISSIONER